

United States Department of the Interior Bureau of Land Management

Categorical Exclusion Not Established By Statute
DOI-BLM-UT-C010-2016-0016-CX

December 8, 2015

2920 Permit Renewal and Assignment
Dairy and Calf Operation

Location: Iron County, Utah

T. 33 S., R. 09 W., SLM
sec. 14, Lot 2;

Applicant/Address: RJ Calf Ranch, LLC
Attention: Randy Peck
1328 North Fairway Drive
Cedar City, UT 84720

BUREAU OF LAND MANAGEMENT
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
Telephone (435) 865-3000



CATEGORICAL EXCLUSION DOCUMENTATION

A. Background

BLM Office: Cedar City Field Office
Case File No: UTU-82118
Proposed Action Title: 2920 Permit Renewal
Location of Proposed Action: See Attachment A –maps dated November 13, 2015

Description of Proposed Action

On October 23, 2015 Randy Peck submitted a renewal application to renew his 2920 agricultural permit for three years. Mr. Peck's permit expires on March 23, 2016. Under 2920 regulations permits are issued in three (3) year intervals. Randy Peck would like to renew his permit for another three year interval from March 24, 2016 thru March 23, 2019. Mr. Peck also requested to assign his 2920 permit to his business name under RJ Calf Ranch, Inc. Upon renewal of this permit, if approved, the permit would be issued to RJ Calf Ranch, Inc.

The proposed action is to renew the agricultural permit for another three years. This permit has been authorized since 2006, the outcome of resolving a trespass identified in 2005. The proposed action contains fifteen (15) acres of public land and is located at the southeast edge of a dry lakebed known as the Little Salt Lake. The renewal authorization would continue its use for the operation of a dairy and calf raising facility. Developments currently on the property include corrals, calf hutches, living quarters and a variety of farm equipment.

If this permit is renewed it would be authorized under Federal Land Policy and Management Act (FLPMA) Section 302. These lands are currently not identified for disposal in the current resource management plan. However, should they be identified for disposal in the new resource management plan currently in progress, permits would be reviewed and renewed in three year intervals until BLM makes determination on the sale of the land.

The attached terms and conditions would be applied to the 2920 permit (Attachment B).

B. Land Use Plan Conformance

The proposed action is in conformance with the Cedar Beaver Garfield Antimony Resource Management Plan approved, June 10, 1986. It is specifically provided for in Decision 3.1 (p.9) which provides that applications for use authorizations such as rights-of-way, leases, and permits be processed on a case-by-case basis.

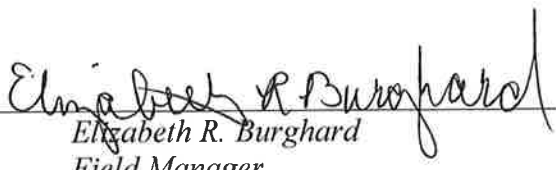
C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with:

- 516 DM Chapter 11.9.E (9) which reads: "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

D. Signature

Authorizing Official:  Date: 10/8/15
Elizabeth R. Burghard
Field Manager

Contact:

For additional information concerning this CX please contact:

Michelle Campeau
Realty Specialist
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
(435) 865-3047

**Categorical Exclusion Review Record
2920 Permit Renewal and Assignment**

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	A. Stephens	11/18/15
Areas of Critical Environmental Concern	No	Dave Jacobson	11/19/15
Cultural Resources	No	Jamie Palmer	11/19/2015
Environmental Justice	No	Brooklynn Shotwell	11/19/15
Farm Lands (prime or unique)	No	A. Stephens	11/18/15
Floodplains	No	A. Stephens	11/18/15
Invasive Species/Noxious Weeds	No	A. Stephens	11/18/15
Migratory Birds	No	S Whitfield	11/18/15
Native American Religious Concerns	No	Jamie Palmer	11/19/2015
Threatened, Endangered, or Candidate Species	No	S. Whitfield	11/18/15
Wastes (hazardous or solid)	No	Glenn Pepper	12/7/2015
Water Quality (drinking or ground)	No	A. Stephens	11/18/15
Wetlands / Riparian Zones	No	A. Stephens	11/18/15
Wild and Scenic Rivers	No	Dave Jacobson	11/19/15
Wilderness	No	Dave Jacobson	11/19/15
Other:			

* A "yes" means that extraordinary circumstances *do* apply and this action would not be eligible for a CX.

Project Lead: Brooklynn Shotwell

Date: 12/8/15

Environmental Coordinator: Mira Mironis

Date: 12/8/15

Extraordinary Circumstance to Categorical Exclusions

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No <div style="text-align: center; margin-top: 10px;">X</div>	Rationale: This project is designed to minimize impacts to public health and safety by restricting use of the public land to the fifteen acres already impacted by the dairy operation.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No <div style="text-align: center; margin-top: 10px;">X</div>	Rationale: The 2006 cultural resources inventory of the area indicated that no historic properties would be affected by the renewal of the fifteen acre parcel. There are no park or refuge lands, wilderness areas or proposed wilderness areas, scenic rivers, national natural landmarks, prime farmlands, or national monuments in the affected area. No wetlands would be deteriorated nor floodplain use impacted. The area aquifer would not be affected.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No <div style="text-align: center; margin-top: 10px;">X</div>	Rationale: The proposed action would create no additional impacts to the environment beyond those already present. It is not highly controversial nor does it involve any unresolved conflicts.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No <div style="text-align: center; margin-top: 10px;">X</div>	Rationale: The environmental impacts would be negligible. No unique unknown environmental risks are anticipated. The impacts are predictable based on previous similar projects.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		

Extraordinary Circumstances

Yes	No	Rationale: The proposed action would not set a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. All future actions would be considered independently.
	X	

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes	No	Rationale: The impacts from the proposal are expected to be negligible and would not contribute to potentially cumulative significant impacts now or in the reasonably foreseeable future.
	X	

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes	No	Rationale: The 2006 cultural resources inventory of the proposed project was completed and no properties eligible for the National Register of Historic places were found on the fifteen acres of public lands. A determination of “no adverse effect” was made in 2006. This determination has not changed.
	X	

8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Yes	No	Rationale: The project area has been reviewed and inventoried as necessary in 2006, for threatened, endangered, and special status species. None of these species or their habitat occur in the project area.
	X	

9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No	Rationale: The proposed authorization would be in conformance with all known environmental laws or requirements under the proposed terms and conditions.
	X	

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No	Rationale: Implementation and potential environmental consequences of the action considered would not disproportionately affect any specific group of people (including any racial, ethnic, or socioeconomic group).
	X	

Extraordinary Circumstances

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes	No	Rationale: The proposed action would not limit access to any known sites nor affect the physical integrity of such.
	X	

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

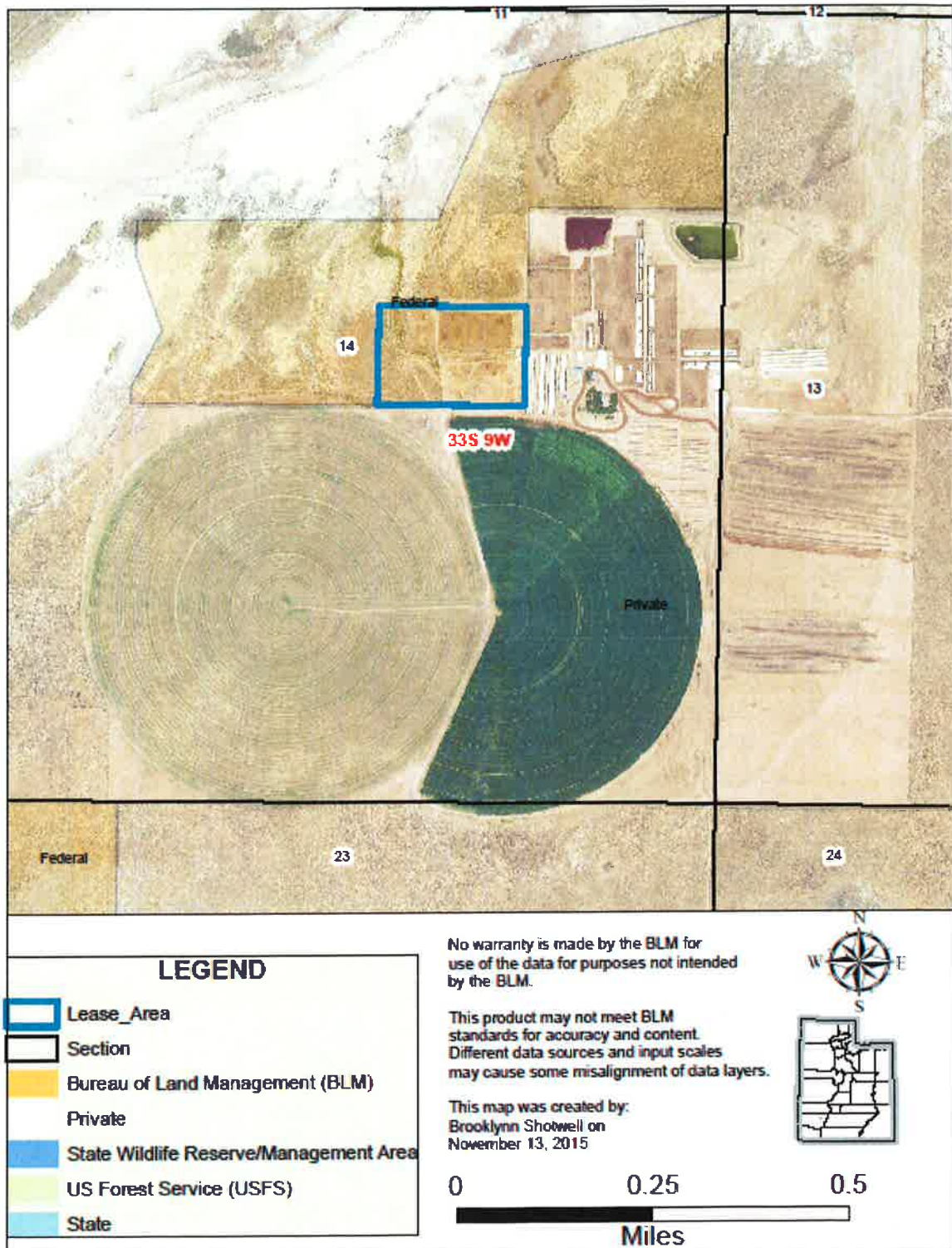
Yes	No	Rationale: The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds and non-native invasive plants. The authorization would include current terms and conditions for the control of noxious weeds.
	X	

ATTACHMENT A

MAP

RJ Calf Ranch Permit Renewal and Assignment

UTU-82118



ATTACHMENT B
STANDARD STIPULATIONS
Randy Peck
2920 Permit and Assignment
UTU-82118

General

1. In case of change of address, the holder shall immediately notify the Bureau of Land Management (BLM) Authorized Officer.
2. This grant is subject to all valid rights existing on the effective date of this grant.
3. This permit applies only to public lands. It is the grantee's responsibility to obtain appropriate authorization from the land owners of other affected lands.
4. Holder may not construct or make new access roads or travel cross-county by vehicle to reach the grant area unless prior written approval is given by the Authorized Officer.
5. The holder shall protect all survey monuments found within the authorized permit. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority, if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
6. The holder shall comply with the provision of Title VI of the Civil Rights Act of 1964, and will not engage in any discriminatory actions prohibited by 43 CFR Part 17, to the end that no person in the United States shall, on the grounds of race, color, national origin, or gender, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program for which the holder has received a Federal authorization.
7. The holder or their contractors will notify the BLM of any fires and comply with all rules and regulations administered by the BLM concerning the use, prevention and suppression of fires on federal lands, including any fire prevention orders that may be in effect at the time of the permitted activity. The holder or their contractors may be held liable for the cost of fire suppression, stabilization and rehabilitation. In the event of a fire, personal safety will be the first priority of the holder or their contractors. The holder or their contractors will:
 - a) Operate all internal and external combustion engines on federally managed lands per 36 CFR 261.52, which requires all such engines to be equipped with a qualified spark arrester that is maintained and not modified.
 - b) Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands.

- c) Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC – 5 pound on all equipment and vehicles. If a fire spreads beyond the suppression capability of workers with these tools, all will cease fire suppression action and leave the area immediately via pre-identified escape routes.

Notify the Cedar City Interagency Fire Center at (435) 865-4600, or 911 immediately of the location and status of any escaped fire. Construction personnel will be trained in basic fire control procedures.

Public Health & Safety Environmental Protection

8. The Holder of permit No. UTU-82118 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
9. The Authorized Officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his/her judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. 2601 et seq. (1982) with regards to any toxic substances that are used, generated by, or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
11. If during any phase of the construction, operation, or termination any oil or other pollutant should be discharged from containers or vehicles and impact Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting there from, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the Holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.

Cultural

12. Any cultural or paleontological resource (historic or prehistoric site or object) or Native American human remains, funerary item, sacred object, or objects of cultural patrimony discovered by the permit holder, or any person working on their behalf, during the course of activities on Federal land, shall be immediately reported to the BLM Authorized Officer by telephone, with written confirmation. The permit holder shall suspend all operations 100 meters within the discovery and appropriately protect the discovery until an evaluation has been made by the BLM Authorized Officer.
 - a. If Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered during an undertaking involving BLM managed lands, the parties will comply with the Native American graves Protection and Repatriation Act (NAGPRA) and its implementing regulations at 43 CFR Part 10, Subpart B.
 - b. For cultural resources other than Native American human remains, funerary item, sacred object, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the BLM Authorized Officer after consulting with the permit holder. Operations may resume only upon written authorization to proceed from the BLM Authorized Officer.

Vegetation/Weeds

13. The holder will be responsible for controlling noxious weeds within the limits of the permit. Noxious weeds are defined as those which are listed by the Utah Commissioner of Agriculture under the Noxious Weed Act, and those declared noxious by Iron County. The holder will employ weed control methods approved in writing by the BLM Authorized Officer. An approved Pesticide Use Proposal (PUP) must be obtained prior to application of herbicides. Upon coordination with the Authorized Officer, the holder may elect to operate under an approved PUP which the BLM holds, or may apply for its own PUP, either through the Authorized Officer or the BLM Utah State Office. A daily Pesticide Application Report (PAR) must be submitted to the Authorized Officer for each day weeds are sprayed on the ROW.

Wildlife

14. No surface use, ground disturbance or otherwise disruptive maintenance activities would be allowed from April 1 through July 15 without the completion of migratory bird nest surveys within priority habitats. Surveys would focus on bird species identified as priority bird species in Utah through Partner's in Flight and U.S. Fish and Wildlife Service Birds of Conservation Concern. The need for field surveys will be determined by the BLM wildlife biologist. Based on surveys, the BLM wildlife biologist will determine appropriate buffers and timing limitations.

Transfer of Federal Ownership/Relinquishment/Assignment

15. No assignment shall be recognized unless and until it is approved in writing by the Authorized Officer.

16. Prior to termination of the permit, the holder shall contact the Authorized Officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.
17. The permit shall be relinquished to the United States if the authorized uses are no longer needed.

Special Stipulations

18. Holder agrees to stop dumping trash on public lands and remove trash that is not part of day-to-day calf and dairy operations.
19. Holder agrees not bury dead animals on public lands.
20. Holder agrees to prevent all water and manure from the dairy operations from running onto public lands.
21. Holder agrees to prevent any new additional soil or vegetation disturbed on public lands.
22. Holder hereby authorizes BLM employees access on existing roads, across private property, and through the dairy farm to reach the 15 acre permitted parcel on public lands.
23. Holder agrees to abide the 43 Code of Federal Regulations (CFR) 2920 regulations.

I, _____, in behalf of RJ Calf Ranch, Inc. reviewed the above stipulations for the renewal of the Agricultural permit near Parowan, Utah and agree to follow them.

Authorized Signature

Date

ATTACHMENT C

PHOTOS



